Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 10-01-08	Bureau/Station/Facility: SEB Canine	Admin. Invest.? [ ] Hit? [X]

Incident Information

URN: 008-14387-0532-013	Date: 09-30-08 Time: 2310
City or Station: Rosemead	Nature of Incident: Susp stabbed and slashed his girlfriend with a Samurai sword and knife, and hid in a nearby vacant house. During a search of the house, susp charged and struck a SEB Canine deputy with a metal flat nail stake. Two Canine deputies fired their pistols at susp, killing him at the scene.
Location: Assault Site: [redacted] Shooting Site: [redacted] Burton Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence** (circled), Rural, School, Street
Other: vacant house

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 3'-6'

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ______

Initiated by (*circle only one*): Arrest Warrant, **Call** (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **Other** (circled), Routine Patrol

Total # of Shots Fired by Deputy: 11 shots
Total # of Shots Fired by Suspect: None

Aero Unit? [ ] Canine Unit? [X]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Gaunt	Daryl		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Missel	Dennis		EM **PM** Day	**Regular** Overtime Off Duty
[redacted]	Lindblom	Eric		EM **PM** Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Lindblom	Eric		**On Duty**, **Present during shooting**, **Witness to shooting**, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only

SH # ______

See Reverse

Officer Involved Shooting

URN: 008-14387-0532-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10-01-08	0150 hours	03-30-10	

Employee #	Last Name	First Name	M.I
[redacted]	Tong (IAB Sgt)	Owen	
[redacted]	Carr (IAB Sgt)	Tim	
[redacted]	Kusch (IAB Lieutenant)	Rod	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious

(RM) Refused Med Treatment

(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#2	OB					LC	EL
S#1	E#2	OB					AB	KN
S#1	E#2	OB					AB	BK
E#1	S#1	FH	HK	9	Y	Y	GS	CH
E#1	S#1	FH	HK	9	Y	Y	GS	AD
E#1	S#1	FH	HK	9	Y	Y	GS	BT
E#2	S#1	FH	BR	9	Y	Y	GS	AD
E#2	S#1	FH	BR	9	Y	Y	GS	KN
E#2	S#1	FH	BR	9	Y	Y	GS	HI
E#2	S#1	FH	BR	9	Y	Y	GS	SH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 008-14387-0532-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Wilkinson	First Name: Steven	M.I.: P.
Sex: M Race: W	Rank: Deputy	Unit Assignment: SEB Canine	Work Assignment (Unit #, Module, etc.): 240K-9 6
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: No
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: ---	Duty Time (hrs): PM	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 604 Weight: 280			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: H&K Caliber: 9 # Shots: 5	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: Phillippi	First Name: Jason	M.I.: H.
Sex: M Race: W	Rank: Deputy	Unit Assignment: SEB Canine	Work Assignment (Unit #, Module, etc.): 241K-9 1
ShiftTime (*circle only one*): EM **PM** Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: No
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: ---	Duty Time (hrs): PM	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted] Height: 600 Weight: 210			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: 2 Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9 # Shots: 6	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 008-14387-0532-013

Suspect Information

S 1

Last Name: Stephenson (deceased)	First Name: Joshua	M.I.: V
AKA Last Name:	First Name:	M.I.:

Sex: M Race: B	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: ---	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 25 D.O.B. 05-05-83	Height: 507 Weight: 165	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2008-6845	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☒	Criminal History? ☒
Vehicle Make: ---		Model: ---	Year: ---

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

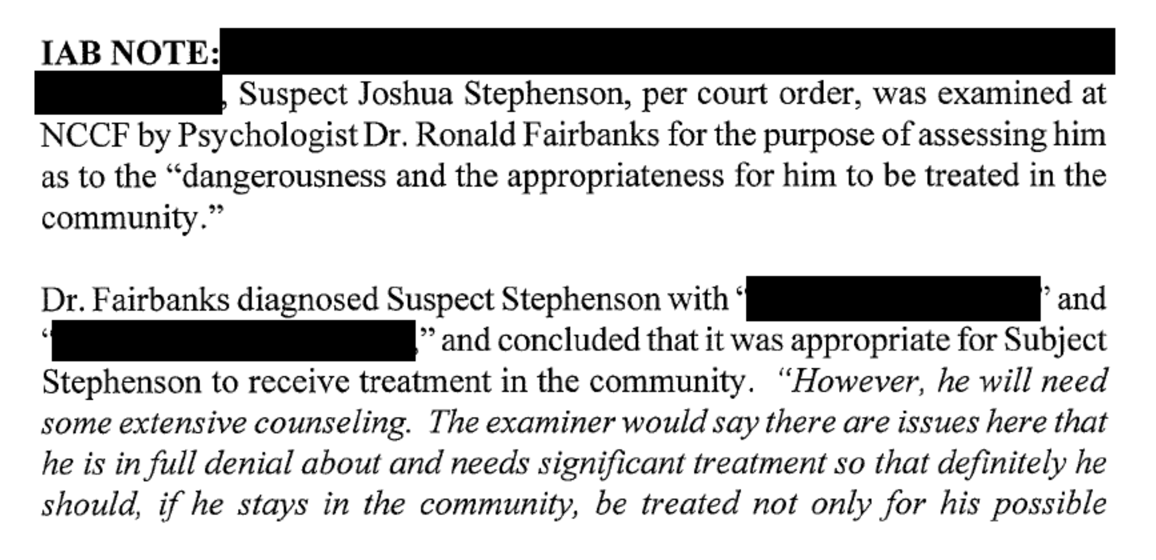
INTERNAL AFFAIRS BUREAU

INQUIRY SUMMARY

Officer Involved Hit-Shooting Inquiry - SEB Canine Unit
Suspect Joshua Stephenson (Deceased)

CASE NUMBER:	IAB #SH2229364
INVOLVED EMPLOYEES:	Jason Phillippi, Deputy #[redacted] Steven Wilkinson, Deputy #[redacted]
INVESTIGATOR:	Owen Tong, Sergeant #[redacted]
DATE/DAY/TIME of A/187PC:	September 30, 2008 / Tuesday / 2310 hours
LOCATION of ASSAULT:	Condominium complex [redacted]
DATE/DAY/TIME of SHOOTING:	October 1, 2008 / Thursday / 0008 hours
LOCATION of SHOOTING:	Single family home w/attached garage (under construction) [redacted] Burton Ave, Rosemead, CA 91770

Inquiry Summary:



IAB NOTE: [redacted], Suspect Joshua Stephenson, per court order, was examined at NCCF by Psychologist Dr. Ronald Fairbanks for the purpose of assessing him as to the "dangerousness and the appropriateness for him to be treated in the community."

Dr. Fairbanks diagnosed Suspect Stephenson with "[redacted]" and "[redacted]," and concluded that it was appropriate for Subject Stephenson to receive treatment in the community. *"However, he will need some extensive counseling. The examiner would say there are issues here that he is in full denial about and needs significant treatment so that definitely he should, if he stays in the community, be treated not only for his possible*

inclinations relative to violence but also be treated for depression and further exploration regarding other factors that may be present, namely, paranoia. In terms of risk, however, he is an appropriate risk for community placement, although he should be required to be in treatment in the community with a psychotherapist.

Suspect Stephenson appeared "amendable" to Dr. Fairbanks' findings and even suggested that he go to a facility like Pacific Clinics in Pasadena for treatment. (See the Homicide investigative packet -- **Exhibit A, page 95** -- for the Dr. Fairbanks' complete Psychological Risk Assessment report)

On or about September 29, 2008, Victim [redacted] FH/24 advised Suspect Joshua Stephenson MB/26 -- her [redacted] and the [redacted] of their two small children -- that she wanted to [redacted] with him and move out. Suspect Stephenson had stopped abusing alcoholic beverages and marijuana a few months earlier, but had been despondent about his robbery arrest, losing his job, the recent birth of his son, and the death of a close family member. He had repeatedly refused his family's request to seek psychological help.

The following day on or about September 30, 2008, at around 2310 hours, Victim [redacted] was alone in the kitchen with Suspect Stephenson when he told her he was going to "take us both." Without provocation, Suspect Stephenson suddenly attacked Victim [redacted] with a short Samurai sword that he had hidden behind his back. As Victim [redacted] raised her hands to defend herself, Suspect Stephenson slashed her several times on the left hand and stabbed her in the upper right chest. When Victim [redacted] fell to the ground, Suspect Stephenson continued slashing and stabbing at her with the sword.

Victim [redacted] scream for help woke up Witness [redacted], who is Suspect Stephenson's [redacted]. Witness [redacted] went downstairs into the kitchen to investigate and saw Suspect Stephenson standing over Victim [redacted] in the kitchen with the sword in his hand. Victim [redacted] was lying on the ground, holding her abdomen. Victim [redacted] was covered in blood and Witness [redacted] thought she had a cut on her arm and leg.

Witness [redacted] took the sword away from Suspect Stephenson and placed it in the sink. When she asked them what happened, Suspect Stephenson didn't say anything, but Victim [redacted] answered, "I don't know why he did this. I don't know why he did this."

As soon as Witness [redacted] ran back upstairs to call 911 emergency, Suspect Stephenson grabbed a knife in the kitchen and continued slashing and stabbing Victim [redacted] Upon Witness [redacted] return, Suspect Stephenson was standing over Victim [redacted] with a knife in his hand. Witness [redacted] took the knife away from Suspect Stephenson and placed it in the

sink. She then pushed him out of the condominium and locked the door. Once again, Suspect Stephenson did not say anything, nor did he resist.

Temple Station deputies, responding to the residence, spotted a male black (later identified as Suspect Stephenson) -- dressed in what appeared to be dark clothing -- climbing over the rear wall of Witness [redacted] condo complex (on [redacted]), onto the property located on the other side of the block (on Burton Avenue). The Temple deputies quickly set up a containment of the entire block and requested a canine unit to respond. After speaking with Witness [redacted], the deputies learned that Suspect Stephenson was only dressed in a pair of boxer shorts.

LACO Fire Engine Company #4 paramedics, under Fire Captain Chatfield, responded and treated Victim [redacted] for knife wounds. She was transported by AMR Ambulance #8331, to LA County-USC Medical Center (LCMC) where she was examined by Emergency Room Physician Dr. Meyer #112411 and treated for the following injuries:

- A stab wound to the right upper chest.
- A stab wound to the left upper quadrant.
- 2 large lacerations on the left forearm.
- Lacerations across the fingers of the left hand.
- A laceration on the palm of the left hand.
- Partial amputation of a finger on the left hand.

Dr. Meyer later reported that Victim [redacted] was in stable condition and her vital signs were good. However, even though there was no damage to her vital organs, Victim [redacted] would most likely not regain full mobility of her left hand.

Canine Sergeant Eric Lindblom and four of his canine units (Deputy Dennis Missel, Deputy Daryl Gaunt, Deputy Steven Wilkinson and Deputy Jason Phillippi) responded to the scene from the Century Station area.

Canine Deputy Wilkinson, who arrived at the location prior to Sergeant Lindblom, was briefed by Temple deputies. Deputy Wilkinson, Deputy Gaunt and Deputy Missel looked over the rear wall where the suspect was last seen and saw three vacant houses that were under construction on the other side, on Burton Avenue. In the soft dirt, they could make out footprints leading from the wall towards the north side of the vacant houses, scene of the upcoming officer involved shooting.

> **IAB NOTE:** The three vacant houses were built one behind the other on a single lot and were in the final stages of construction. The property had no

electrical power, lighting, nor landscaping. The ground was still composed of soft dirt and sand, and there were ditches all around. **(Exhibit D - map and aerial photo of the condo complex and vacant houses)**

Deputy Wilkinson then left to contact Witness [redacted] at her condo and while there, he saw the bloodied sword and knife that were used in the attack. He also saw blood everywhere in the kitchen, including blood splatters that appeared to be cast-offs from the blade of a sword or knife.

In the meantime, Deputy Gaunt, Deputy Missel and Deputy Phillippi circled the block, playing loud pre-recorded English and Spanish announcements several times on their vehicle PA system, advising the suspect to surrender and no harm would come to him. There was no response to their request.

Sergeant Lindblom, who was the last to arrive, went to the condo and observed blood everywhere in the kitchen. He spoke with Witness [redacted] and the Temple deputies and was advised that a sword was used and that Victim [redacted] had already been transported to LCMC with serious injuries.

Sergeant Lindblom briefed the Canine deputies that the suspect, a MB/A, dressed in boxer shorts, had attacked the victim with a sword or knife, causing serious injuries. Their plan was to deploy Deputy Missel's dog and the Canine deputies in the search. No Temple deputies or other Canine dogs would be involved in the actual search. The search would begin at [redacted] Burton Avenue, which was the vacant house closest to the street.

After cutting the padlock on the security chain-link fence to gain access onto the property, the Canine deputies discovered the small garage-access door leading into the house was unlocked. Prior to entering the house, Deputy Missel made a verbal announcement for the suspect to surrender or he will deploy his dog. When there was no response from inside the vacant house, Deputy Missel released his dog to search the first room on the ground floor of the two-story house, while he and the other deputies remained outside, keeping a visual of the dog's movements.

After the dog had completed the search, Deputy Missel re-hooked his dog so the deputies could safely do a follow-up search of the same room to confirm it was cleared of the suspect. Deputy Missel then released his dog to search the next room before re-hooking him again so the deputies could again safely conduct the follow-up search. This procedure was repeated room-by-room on all the first-floor rooms. While the rest of the team were searching the downstairs, Deputy Phillippi stood by the front door to cover the upstairs with his Beretta 92F semi-auto pistol, mounted with a Surefire flashlight.

From Deputy Phillippi's vantage point of the second floor, he noticed a closed [bathroom] door, without any door knobs, across the second-story hallway directly behind the curvature in the stairway. Deputy Phillippi became cautious of the closed bathroom door, because all the downstairs doors were opened; and the doors on either side of the closed bathroom (bedroom on the left and another bathroom on the right) were also opened. His thoughts were, *"So those two* (open rooms) *were not my immediate threat, but there was something about that closed door that just made the hair on the back of my neck stand up."*

When it came time to search the second floor, Deputy Missel re-hooked his dog so they could walk up the stairs together, because although there were banisters on the stairway and the second-floor hallway, they were missing all of the smaller balusters, which are the smaller vertical posts that reinforces the handrails to prevent people from falling off the stairs or the second story. Because without that baluster barrier, the dog could potentially injure himself if he decide to jump from the top of the stairs or the second-story hallway to quickly return to the deputies down below. Another reason to keep the dog on the leash is so the handler could keep a constant visual of the dog and see his reactions during each area search.

Deputy Missel and his dog led the team up the stairs, followed closely by Sergeant Lindblom, Deputy Wilkinson, Deputy Gaunt and Deputy Phillippi. Deputy Phillippi, who was the last in line, stopped about 3/4 the way up the stairs so he could continue to cover the closed bathroom -- that was now directly in front of him -- with his service pistol. Deputy Phillippi stood about 1-2 feet away from the second-story handrail. Since his eyes were about level with the handrail, he had to stoop down below the handrail in order to maintain a visual of the closed bathroom.

Once the remaining team members assembled upstairs in the hallway, Deputy Missel unleashed his dog to search the first bedroom, which was to the left of the closed bathroom. Sergeant Lindblom remained just outside of the bedroom to cover Deputy Missel and his dog, while Deputy Wilkinson stationed himself between the bedroom door and the closed bathroom door, with Deputy Gaunt slightly to his right and behind him. Deputy Wilkinson and Deputy Gaunt were to cover north down the long hallway that led to the other bedrooms and bathrooms.

While Deputy Missel and his dog were searching the bedroom, Deputy Wilkinson -- who was holding a flashlight in his left hand and his H&K P2000 semi-auto pistol in his right hand -- nudged the closed bathroom door open about 6 inches with his left hand to see what obstruction may be holding the door close. Immediately, everyone heard a "blood curdling" scream -- "a scream like a wild animal" -- that momentarily caught the deputies by surprise.

Deputy Missel initially thought his dog may have found the suspect in the bedroom closet, but then he noticed the dog did not behave like he had found the suspect. Deputy Gaunt and Sergeant Lindblom also thought the dog had found the suspect in the bedroom.

Unsure of where the scream actually came from, Deputy Wilkinson quickly took a couple of steps back to shift his attention to the bedroom behind him. His initial fear was that the suspect was actually behind him in the bedroom, because the scream resembled the screams normally exhibited by suspects when they are bitten by a search dog. However, the suspect suddenly came charging out of the closed bathroom in front of him towards Deputy Phillippi, with what Deputy Wilkinson thought was a "frickin' long sword" that the suspect was holding with both hands over his head.

Although Deputy Wilkinson had already seen the blood in the kitchen as well as the recovered sword and knife used in the attack, his immediate thoughts were that the suspect had somehow gotten his hands on a secondary Samurai sword (actually a three-foot flat-nail metal stake) and was now attempting to strike Deputy Phillippi and "lop his head off." Deputy Wilkinson knew that Samurai swords are frequently sold in a set of two, one long and one short. Since Deputy Phillippi was directly in front of the suspect's path, Deputy Wilkinson felt the suspect was focused mainly on Deputy Phillippi and never knew he (Deputy Wilkinson) was standing off to his (the suspect's) side.

> **IAB NOTE:** Flat-nail stakes are commonly used in construction to help form concrete. They are made of heavy metal and generally measures 1 ½" in width, x 3/8 " in thickness, x 2'-3' in length. With its tapered point on one end, it resembles the blade of a broad sword.

Deputy Phillippi, who was not wearing a Kevlar helmet, was the only one who heard the suspect's scream coming from behind the closed bathroom door. When Suspect Stephenson charged out at him, Deputy Phillippi -- fearing that the suspect was about to slash him or stab him with a sword -- instinctively stepped back and cocked up his left arm up to deflect any blows to his unprotected head. At the same time, Deputy Phillippi pulled his gun back to get it out of the suspect's reach and held it against the right side of his chest, firing what he believed to be 6-8 rounds in rapid succession at the charging suspect.

> **IAB NOTE:** When Homicide detectives later examined Deputy Phillippi's weapon, they learned that he had expended a total of 6 rounds. His weapon originally held 15 live rounds in the magazine and 1 live round in the chamber. **(Exhibit B - CD of digital recording)**

Simultaneously, Deputy Wilkinson, in fear for Deputy Phillippi's life, fired 5 rounds at the suspect. His first shot went high above the suspect's head and harmlessly hit the drywall adjacent to the stairway. He then fired in two 2-round bursts and saw his second and third rounds strike the suspect on the right torso. Deputy Wilkinson did not know where his fourth and fifth rounds went.

As Deputy Phillippi and Deputy Wilkinson were shooting at Suspect Stephenson, Suspect Stephenson continued screaming and struck Deputy Phillippi once on the left forearm arm with the metal stake, causing Deputy Phillippi to lose his balance and fall backwards -- like a "ball going down the stairs" -- down to the bottom of the first floor. Because everything was happening so fast, Deputy Phillippi was not sure if Suspect Stephenson's metal stake was already on its downward stroke when he fired his first round. When Deputy Phillippi started falling, he saw Deputy Wilkinson to his left -- although he did not see Deputy Wilkinson engaging the suspect -- and the suspect starting to collapse onto the hallway floor.

Even as he was firing, Deputy Phillippi could not tell if his bullets were hitting the suspect. It wasn't until both he and the suspect were both falling, that he realized that his rounds may have struck the suspect. To prevent an unsafe discharge of his weapon while falling, Deputy Phillippi took his finger off the trigger.

As Deputy Wilkinson was shooting, he could see muzzle flashes from Deputy Phillippi's weapon. After being shot by Deputy Wilkinson, the suspect "folded his diaphragm forward," and slowed down a bit, but he was still able to finish his downward strike on Deputy Phillippi. After striking Deputy Phillippi, Suspect Stephenson turned slightly towards Deputy Wilkinson and dropped to one knee as he tried in vain to use the metal stake to push himself back up on his feet, but then he collapsed backwards and landed partially on top of the metal stake.

Initially, Deputy Phillippi thought that he had been shot also, but when he took off his bullet-resistance vest, he and the other deputies found no gunshot wound. During his interview with Homicide detectives, Deputy Phillippi related that he did not remember hearing any gunshots, and he did not know if anyone else had fired their weapons. During a much later interview with IAB Investigators, Deputy Phillippi was able to recall hearing gunshots.

> **IAB NOTE:** Deputy Wilkinson initially thought he fired a total of 4 rounds, but when the Homicide detectives examined his weapon, they learned that he had expended a total of 5 rounds. His weapon originally held 13 live rounds in the magazine and 1 live round in the chamber. **(Exhibit B - CD of digital recording)**

Other than the screaming, the suspect never said a word and the only movements observed by Deputy Wilkinson was the ususal twitching, jerking and last gasps of breathing associated with someone going through the final stages of death. All of the shots fired at the suspect were when he was upright and none when he was down on his knees or on the floor.

The deputies notified the Command Post, who in turn called the paramedics. LACO Fire Engine paramedics responded to the scene and pronounced Suspect Stephenson dead at the location at 0032 hours.

Deputy Phillippi was examined and treated at Methodist Hospital in Arcadia for the abrasions and pain to his lower back and both knees from falling down the stairs. Additionally, he required three sutures to close the laceration on his left elbow, which occurred when he was struck by the suspect, possibly by the tip of the metal stake. Deputy Phillippi was not admitted to the hospital and was later released.

Sergeant Lindblom, Deputy Gaunt and Deputy Missel did not fire their weapons and no other deputies were injured.

After the shooting, Sergeant Lindblom took some photos of the deceased suspect and Deputy Phillippi's injuries and forwarded the photos to Homicide Bureau (**Exhibit C**). The metal stake was recovered at the scene.

Coroner's Case #2008-6845 was issued.

On or about October 2, 2010, at about 0800 hours, Deputy Medical Examiner Juan Carrillo, MD, conducted an autopsy of Suspect Stephenson and noted he had been shot in the following areas and concluded that 4 of the hits were fatal. The gunshot wounds are not presented in the order in which they were fired.

- Gunshot Wound #1 - Non-fatal: Located on the anterior right shoulder and exited on the posterior right shoulder.
- Gunshot Wound #2 - **Fatal**: Located on the lateral right chest, striking the diaphragm, liver and right lung.
- Gunshot Wound #3 - **Fatal**: Located on the lateral right abdomen, striking the liver, diaphragm and parenchyma.
- Gunshot Wound #4 - **Fatal**: Located on mid-lower abdomen, striking the small bowel and stomach.
- Gunshot Wound #5 - **Fatal**: Located on the right hip, fracturing the right ilium, and striking the right femoral artery and left medial ilium.

- Gunshot Wound #6 - Non-fatal: Located on the right buttock striking the buttock and right thigh muscles.
- Gunshot Wound #7 - Non-fatal: Located on the anteromedial aspect of the right lower leg, fracturing the tibia and posterior right knee and exited on the midline behind the right knee.

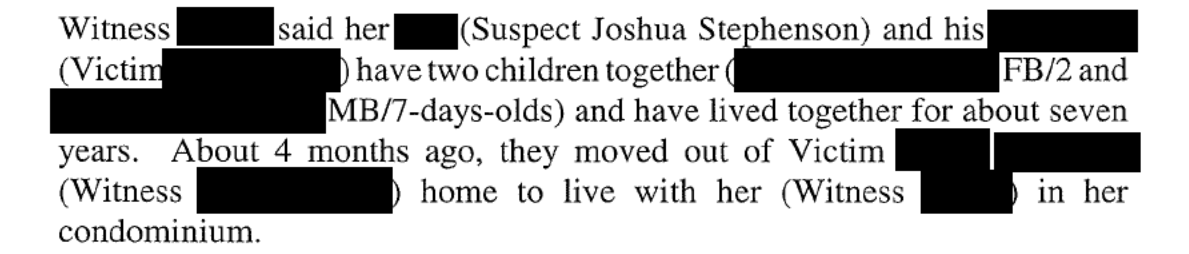
Dr. Carrillo noted the suspect also had abrasions to his right chest and left elbow, a dark abrasion to the right thigh and a circular abrasion to the right lateral abdomen. He concluded that the cause of death was a result of multiple gunshot wounds and the manner of death was deemed a homicide.

On June 4, 2009, Deputy District Attorney Natalie Adomian issued her Letter of Opinion **(Exhibit E)**, stating Deputy Phillippi and Deputy Wilkinson "acted in lawful self-defense and defense of another" and no further action would be taken in the matter.

STATEMENT SUMMARIES

Witness [redacted]
Suspect Joshua Stephenson's [redacted]

On October 1, 2008, about a couple of hours after the shooting, Witness [redacted] was interviewed by Homicide Sergeants Barry Hall and Rick Biddle. IAB Sergeant Owen Tong was present during the interview. The interview was digitally recorded by Homicide Bureau. See page 36 of the Homicide investigative packet **(Exhibit A)** for the Homicide narrative of the interview. The Homicide interview was summarized by IAB as follows:



> Witness [redacted] said her [redacted] (Suspect Joshua Stephenson) and his [redacted] (Victim [redacted]) have two children together ([redacted] FB/2 and [redacted] MB/7-days-olds) and have lived together for about seven years. About 4 months ago, they moved out of Victim [redacted] [redacted] (Witness [redacted]) home to live with her (Witness [redacted]) in her condominium.
>
> On September 30, 2008, Witness [redacted] was asleep upstairs in her bedroom when she heard Victim [redacted], calling out, "[redacted], help me, help me." Witness [redacted] checked in on her [redacted] and Victim [redacted] bedroom, but they were not there. When she went downstairs, she saw Victim [redacted] lying on the kitchen floor, covered in blood, while holding her abdominal area. She also had a cut on her arm and leg. Suspect Stephenson was standing over her holding a (small) sword in his hand. She took the sword from him and placed it next to a pot in the sink. When she asked them what happened, Suspect Stephenson remained silent, but Victim [redacted] replied, "I don't know why he did this. I don't know why he did this."
>
> Witness [redacted] ran back upstairs to get the phone and when she returned to the kitchen, her [redacted] was now holding a knife in his hand. She took the knife from him and placed it in the sink. She then pushed him outside, locked the door so he wouldn't be able to get back into the condo, and called 911 emergency. Suspect Stephenson did not resist and did not say anything to anyone.

Witness [redacted] explained that her [redacted] had never been physically violent with her nor Victim [redacted] in the past. He had not being drinking that night, but he might have had some mental problems. He refused to see a doctor and was not taking medication. Although her [redacted] smoked marijuana "a long time ago," she related that she no longer smelled marijuana on his person.

Suspect Stephenson once had a job, but then he beat up a guy (while committing a robbery) and was placed on felony probation. Prior to this incident, he had never been in trouble with the law. Witness [redacted] said her [redacted] and Victim [redacted] rarely argued, however, lately, he and the victim have been arguing, and had asked the victim to leave him alone.

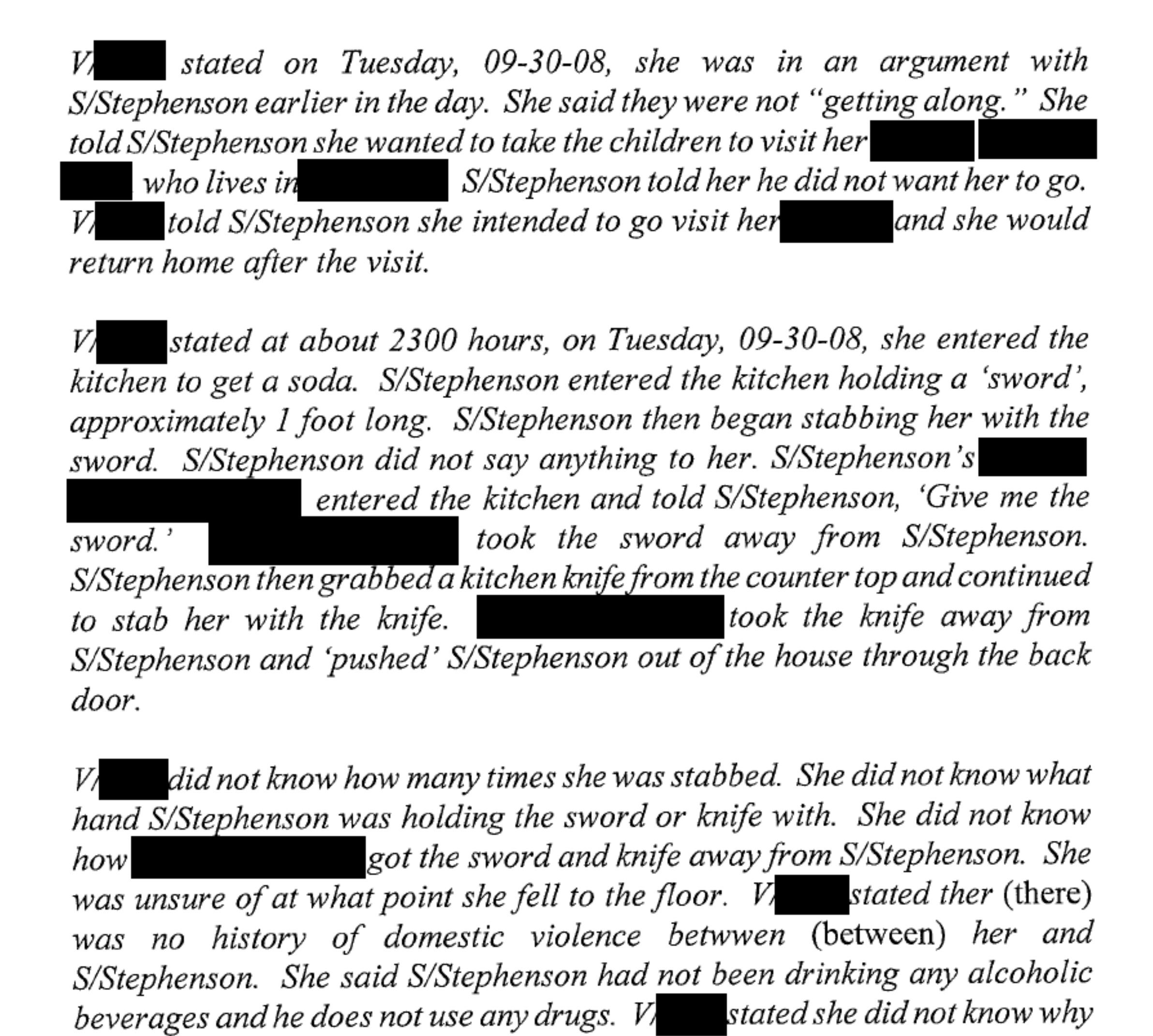
Witness [redacted] said about four hours prior to the stabbing incident, [redacted] pooped in her diaper and Suspect Stephenson was going to put the same soiled diaper back on. Witness [redacted] had to tell him to get a new diaper and give her a bath, which he complied. After that, everything seemed fine between her [redacted] and the victim, so Witness [redacted] went to sleep until she was awakened by the victim's scream for help.

<u>Victim [redacted]</u>
Suspect Joshua Stephenson's [redacted]

On September 30, 2008, Temple Deputy Omar Cantu responded to the scene of the assault and spoke with Victim [redacted]. See his Incident Report (**Exhibit A - page 1 of the Homicide investigative packet**) regarding the narrative.

In the early morning hours of October 1, 2008, Victim [redacted] was interviewed by Temple Station Deputy Charles Guzak at the Los Angeles County-USC Medical Center. The following is a verbatim excerpt from Deputy Guzak's Supplemental Report (**Exhibit A - page 10 of the Homicide investigative packet**):

> *"V/[redacted] stated she has had a [redacted] with Josh Stephenson M/B 05-05-83 (Suspect) for the past seven years. They have two children together ([redacted] F/B [redacted] and [redacted] F/B* (M/B) *[redacted]). V/[redacted] gave birth to their second child ten days ago. V/[redacted] lives at [redacted] with S/Stephenson and his [redacted], nfd.*



V[redacted] stated on Tuesday, 09-30-08, she was in an argument with S/Stephenson earlier in the day. She said they were not "getting along." She told S/Stephenson she wanted to take the children to visit her [redacted] who lives i[redacted] S/Stephenson told her he did not want her to go. V[redacted] told S/Stephenson she intended to go visit he[redacted] and she would return home after the visit.

V[redacted] stated at about 2300 hours, on Tuesday, 09-30-08, she entered the kitchen to get a soda. S/Stephenson entered the kitchen holding a 'sword', approximately 1 foot long. S/Stephenson then began stabbing her with the sword. S/Stephenson did not say anything to her. S/Stephenson's [redacted] entered the kitchen and told S/Stephenson, 'Give me the sword.' [redacted] took the sword away from S/Stephenson. S/Stephenson then grabbed a kitchen knife from the counter top and continued to stab her with the knife. [redacted] took the knife away from S/Stephenson and 'pushed' S/Stephenson out of the house through the back door.

V[redacted] did not know how many times she was stabbed. She did not know what hand S/Stephenson was holding the sword or knife with. She did not know how [redacted] got the sword and knife away from S/Stephenson. She was unsure of at what point she fell to the floor. V[redacted] stated ther (there) *was no history of domestic violence betwwen* (between) *her and S/Stephenson. She said S/Stephenson had not been drinking any alcoholic beverages and he does not use any drugs. V[redacted] stated she did not know why S/Stephenson did this to her."*

On the morning of October 1, 2008, Victim [redacted] was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at the Los Angeles County-USC Medical Center emergency room. IAB Sergeant Owen Tong was present during the interview. The interview was digitally recorded by Homicide Bureau. The quality of the recording was very poor with a lot of loud ambient noise. See page 38 of the Homicide packet **(Exhibit A)** for the Homicide narrative of the interview. The Homicide interview was summarized by IAB as follows:

> Victim [redacted] said she and Suspect Joshua Stephenson [redacted] for 6 years. Earlier in the day, she told him she was [redacted] Later that night after putting their kids to bed, she went downstairs into the kitchen to get a drink.

Suspect Stephenson -- who was standing in the kitchen with his arms behind his back -- asked Victim [redacted] not to leave and admitted that he had problems. Suddenly, Suspect Stephenson brought out a sword from behind his back, told her he was going to take them both, and started to cut and stab at her. Victim [redacted] brought her hands up to protect herself, but the suspect was able to stab her twice on the left hand and once on the upper chest area. She did not know what happened to the sword, but when the suspect's [redacted] (Witness [redacted]) went upstairs to get the phone, the suspect grabbed a knife off the kitchen counter and stabbed her with it.

Victim [redacted] said the suspect did not abuse alcohol or use drugs, but she believed there was something wrong with him.

Witness [redacted]
Victim [redacted]
FH[redacted]

On October 1, 2008, at about 0830 hours, Witness [redacted] was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at LCMC, in regards to Victim [redacted] with Suspect Joshua Stephenson. IAB Sergeant Owen Tong was present during the interview. Witness Dial was not present during the assault by Suspect Stephenson, nor was she present during the deputy-involved shooting. The interview was not recorded by Homicide Bureau.

The following is a summary of Witness [redacted] interview with Homicide Bureau, taken verbatim from Page 38 of the Homicide investigative packet **(Exhibit A)**:

> *"[redacted] related that she was Victim [redacted] and confirmed that Victim [redacted] and Suspect Stephenson had been [redacted] for the last six years. [redacted] said Suspect Stephenson and Victim [redacted] seldom argued and she was unaware if Suspect Stephenson had ever argued and she was unaware if Suspect Stephenson had ever assaulted Victim [redacted] [redacted] added that Suspect Stephenson had abused alcohol and marijuana in the past, but stopped a few months ago. Suspect Stephenson appeared to have become depressed and may have developed mental problems, when he stopped drinking. [redacted] was also aware that Suspect Stephenson had recently been arrested, had a close family member who recently died, the birth of his baby was several days prior, and Victim [redacted] had told Suspect Stephenson that Victim [redacted] was*

considering [redacted]. [redacted] believed these events had an effect upon Suspect Stephenson and contributed to his depression."

Witness Eric Lindblom #[redacted]
Sergeant
Special Enforcement Bureau - Canine Unit #241K-9

On October 1, 2008, at about 0518 hours, Sergeant Eric Lindblom was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at the SEB Headquarters. IAB Sergeant Owen Tong was present during the interview. The interview was digitally recorded by Homicide Bureau.

The following is a summary of Sergeant Lindblom's interview with Homicide, taken verbatim from Page 29 of the Homicide investigative packet **(Exhibit A)**:

"Sergeant Lindblom said he responded from an [redacted] in Century Station's area to the Temple location following a request for K-9. He learned that the suspect was a male Black wearing dark clothes or boxers who jumped over the [redacted] wall when deputies arrived. Sergeant Lindblom knew the victim suffered substantial injuries after he saw the amount of blood in the kitchen of the residence. He saw the sword at the scene and was aware that the victim was on the way to LCMC via ambulance.

When he arrived on Burton Avenue, K-9 announcements were already being made by one of his deputies, via the public address system in the radio car. Sergeant Lindblom contacted a Temple deputy on Burton Avenue who told him he got there shortly after deputies on [redacted] saw him jumping [redacted] over the wall. This deputy felt confident that the suspect was within the containment. He spoke to Deputy Wilkinson who arrived before him and was told about the foot print in the dirt on the side of the wall where the suspect jumped.

Sergeant Lindblom conferred with Deputy Missel and they decided to clear the houses from front to back, toward the back wall. It was decided that Deputy Missel would deploy his dog and all other K-9 personnel would assist.

Sergeant Lindblom cut the chain link fence in front of the house. He said it was obvious the houses were under construction. The front door had a lock through it so they entered through an unlocked door inside the garage. When

they were at the door, Deputy Missel made an additional K-9 announcement into the house which got no response.

Deputy Missel sent his dog in off leash and the bottom area was cleared. The deputies entered, cleared behind the dog and held. They advanced to the livingroom area and repeated the process without incident or indication that anyone else was inside the house.

They proceeded upstairs. Deputy Missel and his dog were first and Sergeant Lindblom was right behind them. The rest of the team followed. They got to the top of the landing next to the open south bedroom door. Everyone was upstairs except for Deputy Phillippi who was still on the stairs. Deputy Missel and his dog entered the bedroom and he covered them from just outside the room.

There was suddenly a very loud scream and Sergeant Lindblom believed the dog had encountered the suspect. He then saw the suspect coming across the hallway from the bathroom door, which had been closed. The suspect was holding what he thought was a sword over his head and was going directly for Deputy Phillippi. He said his first thought was, 'Why does he have a sword? It's accounted for. Someone's going to get slashed.'

Rounds began going off. He knew both Deputies Wilkinson and Phillippi fired several rounds each and the suspect went down, landing on top of the stake. Deputy Missel quickly got control of his dog and radio traffic went out advising of the situation and requesting paramedics.

Sergeant Lindblom said Deputy Phillippi was at the bottom of the stairs and told him he thought he had been hit. He said there was some confusion and he had been more conscious of the suspect than of Deputy Phillippi falling down the stairs. The suspect was covered and Deputy Phillippi was checked for gunshot wounds. They determined that he was struck on the elbow by the suspect and then scraped from falling downstairs, but not seriously injured or hit by gunfire. Sergeant Lindblom said he took photos of Deputy Phillippi which he will provide to Investigators. This concluded the interview with Sergeant Lindblom."

Witness Dennis Missel #[redacted]
Deputy Sheriff
Special Enforcement Bureau - Canine Unit #241K-9 4

On October 1, 2008, at about 0451 hours, Sergeant Dennis Missel was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at the SEB Headquarters. IAB Sergeant Owen Tong was present during the interview. The interview was digitally recorded by Homicide Bureau.

The following is a summary of Deputy Missel's interview with Homicide, taken verbatim from Page 28 of the Homicide investigative packet **(Exhibit A)**:

> *"Deputy Missel said he was in Century station's area having just [redacted]. His team monitored a request for K-9's from Temple station and they responded to the location.*
>
> *Deputy Missel spoke with the handling deputy and learned that the suspect was wanted for a stabbing, wherein the victim, possibly the suspect's [redacted], had suffered a laceration to her stomach. The suspect was described as a male Black, mid twenties, wearing boxers. Deputies last saw the suspect as he jumped over the cinder block wall on the [redacted] side of the complex. When Deputy Missel looked over the wall, he saw a foot print in the tilled dirt of the construction lot leading north.*
>
> *The team decided to meet on Burton Avenue and deploy from there. On the way over, Deputy Missel made several recorded K-9 deployment announcements in both Spanish and English, via the public address system of his radio car. He said he made these announcements as he drove slowly on Walnut Grove, north to Ramona, then east to Burton Avenue and then south.*
>
> *All of the K-9 deputies met in front of the location on Burton Avenue. Deputy Missel played a final announcement directly toward the house. Of the K-9 deputies present, Deputy Missel had the handle and was responsible for the deployment of his K-9, 'Milo.'*
>
> *They entered the lot and found the front door to the house locked with a bike lock. There was no exterior garage door and the door leading into the house didn't have a door knob. They approached the door and he shouted a K-9 announcement into what was clearly an unoccupied house. He said he got no acknowledgment from inside.*
>
> *He sent his dog into the house off leash and it cleared the back half of the bottom story. This included the kitchen and den. The deputies entered and checked where the dog had been for anything he may have missed. They made their way around to the front half of the bottom story, the area of the living*

room, double front doors and stairway. They found that the stairs were unprotected because the bannister didn't have any support columns, so he was not able to send his dog upstairs off leash for fear he may jump from the 2nd story.

Deputy Missel and his dog lead the way upstairs. While ascending the stairs, he noticed that the south bedroom door was open but the adjacent [bathroom] *door was closed. During the interview, he believed the door beyond the closed door was open and was positive the door to the master bedroom, at the north end of the hallway was open. Once on the landing, he unleashed his dog and sent him into the south bedroom. The dog circled the bedroom and went into the cut out area where the closet will* (would) *be (there were no closet doors) against the north wall. Deputy Missel stepped into the room slightly to watch his dog clear the cutout.*

When he did this, he heard a loud scream. He thought the scream was coming from the bedroom, but his dog wasn't engaging anything. 1-2 seconds later there was a series of 6-8 shots fired out in the hallway. He grabbed his dog and went to back out of the room but bumped into Deputy Wilkinson who was blocking the door. Deputy Missel intended to help by engaging the suspect with his dog. He saw that the suspect was on the ground with his feet hanging over the stairs. He was leaning back, his back about 18" above the ground. It looked like he tried to get up but then collapsed. He moved in front of Deputy Wilkinson and noticed that Phillippi was at the bottom of the stairs. Just to the left of the suspect, possibly under his left hand, he saw the metal bar he had been holding. He believed paramedics moved the bar when they arrived.

This concluded the interview with Deputy Missel. He never fired his weapon, nor did his dog bite the suspect."

Witness Daryl Gaunt #[redacted]
Deputy Sheriff
Special Enforcement Bureau - Canine Unit #241K-9 2

On October 1, 2008, at about 0425 hours, Deputy Daryl Gaunt was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at the SEB Headquarters. IAB Sergeant Owen Tong was present during the interview. The interview was digitally recorded by Homicide Bureau.

The following is a summary of Deputy Gaunt's interview with Homicide, taken verbatim from Page 26 of the Homicide investigative packet **(Exhibit A)**:

"Deputy Gaunt told Investigators he was in Century Station's patrol area with the rest of his team and they were finishing up a [redacted] He monitored a radio request for a K-9 response to the Temple area concerning

an assault with a deadly weapon suspect. Deputy Gaunt and his team immediately responded to the [redacted] *address. Deputy gaunt contacted the handling deputy at the scene and was told a male Black, 25-26, wearing boxer shorts, had attacked his* [redacted] *with a sword and then jumped over the* [redacted] *wall of the driveway when units arrived. The description of the suspect included his name, but Deputy Gaunt couldn't remember what it was. He recalled that the assault on the* [redacted] *was described as a serious one, and the sword was recovered at the scene.*

Deputy Gaunt went to the [redacted] *end of the driveway and looked over the concrete wall where the suspect was last seen. He saw footprints leading north in the soft dirt of the construction lot where three unoccupied houses were located. He consulted with the other K-9 deputies and they decided to meet on Burton Avenue and begin their search. Deputy Gaunt played the recorded Sheriff's Department K-9 advisement in both Spanish and English over the PA system of his radio car as he drove around the containment area and then directly into the lot where the suspect was ultimately located.*

The chainlink fence surrounding the lot was pad locked and had to be cut by Sergeant Lindblom. Deputies Gaunt, Missel, Phillippi, Wilkinson and Sergeant Lindblom entered the lot and began their search. The plan was to search the first house, then work their way west toward the foot prints, searching the other two unoccupied houses along the way.

The front door was locked with a cable lock so they proceeded into the open garage. They found an unlocked door leading into the house from the garage. They staged at this door and Deputy Missel made a verbal K-9 announcement into the house. After receiving no response, he sent his dog inside off leash. The dog cleared the first room and the deputies entered behind it and began double checking some of the smaller areas and cabinets inside the kitchen. The dog cleared the remainder of the bottom floor with the deputies checking behind it as they went.

Once they entered the living room, they found the bannister leading upstairs didn't have any vertical support beams, which meant they couldn't send the dog upstairs off leash. Deputy Gaunt explained that the dogs had a tendency to go upstairs then jump off the 2nd story toward their handlers. This poses a safety risk to the dogs and isn't done. As a result, the deputies had to tactically move upstairs with Deputy Missel leading the way with the dog on leash, rather than off.

They made it to the top of the stairs and staged on the landing. Deputy Missel and his dog began working the south bedroom. Deputy Gaunt was slightly behind and to the right of Deputy Wilkinson who was against the wall, covering north down the hallway just to the side of a closed door. Sergeant

Lindblom was behind Deputy Gaunt. Deputy Phillippi was on the stairs below the level of the 2nd floor, covering the closed door. Deputy Gaunt said all the other doors were open.

Deputy Gaunt heard a 'Blood curdling' scream and believed the dog had found and was biting a suspect in the bedroom. The suspect suddenly emerged from behind the closed bathroom door in the hallway. He was holding a large metal bar overhead and moving toward Deputy Phillippi on the stairwell. While still screaming, he delivered a 'Samarai' (Samurai) *sword strike at Deputy Phillippi. Deputy Phillippi began firing at the suspect. Deputy Wilkinson also fired at the suspect, and at the same time, stepped back into Deputy Gaunt, blocking his view and preventing him from firing. The suspect finished his swing and collapsed on the floor. The bar dropped to the floor when it struck the wooden railing. Deputy Phillippi fell down the stairs but was not seriously injured.*

There was radio traffic advising of the shooting and requesting paramedics. At some point, while covering the suspect, deputy Gaunt said he stepped forward and dragged the bar away from the suspect's body using his boot. This concluded the interview with Deputy Gaunt."

<u>Involved Employee Jason Phillippi #</u>[redacted]
Deputy Sheriff
Special Enforcement Bureau - Canine Unit #241K-9 1

On October 1, 2008, at about 0549 hours, Involved Employee Jason Phillippi was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at the SEB Headquarters. The interview was digitally recorded by Homicide Bureau.

The following is a summary of Deputy Phillippi's interview with Homicide, taken verbatim from Page 31 of the Homicide investigative packet **(Exhibit A)**:

"At the beginning of the interview, I examined and took custody of his departmentally issued Beretta 92F 9MM handgun, serial number E[redacted]Z. It had an authorized and functioning light mounted under the barrel which is controlled by a pressure sensitive switch on the grip. The weapon was loaded with 1 live round in the chamber and 9 live rounds in the magazine. He said he normally carries 15 in the magazine and 1 in the chamber, meaning he fired 6 rounds. I later gave the weapon to Firearms Examiner Deputy Ed Anderson of the Sheriff's Crime Lab for further examination (F-1).

Deputy Phillippi said he responded from Century station's area to Temple's area after a County-wide radio request for K-9, for an assault with a deadly weapon suspect search. When he arrived, he contacted the handling Temple

Station deputy and learned that the suspect was a male Black wearing boxer shorts, who was wanted for stabbing and critically injuring his [redacted] with a short sword, which was recovered at the scene. He and Deputy Wilkinson looked over the wall where Temple deputies reported seeing the suspect jump, and saw his foot prints in the sand.

The plan for the K-9 deputies was to meet on Burton Avenue and check the lot where the suspect was last seen. He drove to Burton Avenue and suited up as he discussed the operation with the other K-9 deputies. He was wearing departmentally issued olive drab cargo pants, web gear, and a Sheriff's tactical vest worn by Special Enforcement Deputies. The lot they planned to search contained three unoccupied, large custom homes under construction. They intended to search front to back and end up at the footprints by the block wall.

Deputy Phillippi said the pad lock had to be cut from the chain link fence and they found the front door locked. There was no exterior garage door and they were able to make entry into the house through an unlocked garage door. Deputy Missel made K-9 announcements into the house and then sent his dog in to clear the downstairs. The deputies followed and made their way to the staircase in the front portion of the house, clearing behind the dog as they went. Deputy Missel had to leash his dog because the staircase had an unprotected bannister. They followed Deputy Missel up the stairs.

Deputy Phillippi said he was 'covering up' as he ascended the stairs and noticed that the door on the far left was open but the one next to it was closed. He thought this was strange since it had been the first closed door he had seen inside the house. The door to the right of the closed door was open.

He was the last deputy in line and stayed on the stairs covering the closed door while the others massed on the landing. He said Deputy Missel and his dog were clearing the left bedroom and Deputies Gaunt and Wilkinson were covering the hallway. He said he was positioned directly across from the closed door. He was down a couple of steps and bent over slightly. From that angle, it was easier for him to bend over a bit and see the closed door by looking under the top railing, then it would have been to stand on the next stair going up, and look over the top.

In the next instant, he heard a loud scream coming from behind the door. The door burst open and he saw a male holding what he thought was a sword over his head. The male came out of the bathroom still screaming and was headed straight for Deputy Phillippi. Deputy Phillippi thought he was about to be stabbed or slashed with the sword and instinctively raised his left arm to protect his head even as he fired 6-8 rounds at the suspect. The suspect kept coming and brought the stake down onto Deputy Phillippi's left arm. The force of the blow knocked him down the stairs and he thought he had been shot.

When he was able to stand up, he quickly took his vest off and began looking for a gunshot wound or additional injuries. He said the suspect started going down at about the same time he did. He was unaware anyone else had fired and doesn't remember the sound of his own weapon going off.

Deputy Phillippi suffered a laceration to his left elbow where he was struck by the suspect that required three stitches to close and abrasions and bruising to his lower back and both knees from falling down the stairs. He was treated and released at Arcadia Hospital.

This concluded the interview with Deputy Phillippi. Photos taken by Sergeant Lindblom will be made a permanent part of the investigative file."

On March 8, 2010, at about 1355 hours, Deputy Phillippi was interviewed as an Involved Employee by IAB Sergeant Owen Tong and Sergeant Scott Hill. Deputy Phillippi was represented by Attorney Anna Slotky from the law firm of Green and Shinee. The interview was digitally recorded and summarized as follows:

Deputy Phillippi basically reiterated what he had told Homicide detectives.

Deputy Phillippi explained that there were 3 vacant houses on the same lot, one right behind the other, with the suspect hiding in the front house. Inside the house, the bannisters on the stairway and the second-floor hallway were missing most of the smaller supporting balusters. The bannisters only consisted of the handrails and a few major supporting columns.

Although the house had no electricity, there was enough ambient lighting coming from the street lights through the unshaded windows, so night vision goggles were not necessary, although some rooms were darker than the others. For additional lighting, the deputies would momentarily turn their flashlights on and off, just long enough for the deputy to assess an area. For safety reasons, they did not want to leave their flashlights on for the suspect to get a fix on their positions.

Generally, it is the dog handler who would flicker his flashlight on and off to direct the dog on where to go. To protect the handler and his dog, another deputy would provide cover fire while they search an area. In this case, Sergeant Lindblom was the cover deputy for Deputy Missel and his dog while they were searching the bedroom.

Deputy Phillippi said his weapon is mounted with a Surefire flashlight that he can turn on and off with a pressure switch located just below the trigger. As he was covering the closed bathroom with his weapon, he kept the flashlight off.

When the suspect charged out at him, Deputy Phillippi brought his weapon back to the right side of his chest to keep it out of the suspect's reach. In doing so, he pressed the pressure switch to turn on the flashlight before firing. It took only a split second for the suspect to exit the bathroom and strike him with the metal stake. Deputy Phillippi described the metal stake as a being flat and long with a pointed tip, resembling a sword.

Deputy Phillippi said the suspect came within four feet of him when he first fired. Based on the gash/laceration on his left elbow, Deputy Phillippi believe that he was probably struck with the tip of the metal stake. He said the area behind the suspect was an unoccupied open bathroom and there was no one in his line of fire.

Deputy Phillippi said he fired 6 rounds in rapid secession until he was struck by the metal stake. As he starting falling backwards -- partially from being struck and partially from stepping back to avoid the metal stake -- Deputy Phillippi recalled seeing the other deputies to his left -- specifically, Deputy Wilkinson, who was about three feet to his left. The deputies were all out of his line of fire. Deputy Phillippi's main concern at that point was to shield his body from the fall and not to have an accidental discharge.

Deputy Phillippi added during the interview that he was starting to recall a little more of what had happened. He now recalled hearing gunshots and seeing muzzle flashes from his and Deputy Wilkinson's weapons. He did not remember hearing anyone yelling out orders during the shooting.

Involved Employee Steven Wilkinson #[redacted]
Deputy Sheriff
Special Enforcement Bureau - Canine Unit #240K-9 6

On October 1, 2008, at about 0620 hours, Involved Employee Deputy Steven Wilkinson was interviewed by Homicide Sergeants Barry Hall and Rick Biddle at the SEB Headquarters. The interview was digitally recorded by Homicide Bureau.

The following is a summary of Deputy Wilkinson's interview with Homicide, taken verbatim from Page 32 of the Homicide investigative packet **(Exhibit A)**:

"At the beginning of the interview, I (Homicide Sergeant Barry Hall) *examined and took custody of the Heckler & Koch, P2000, 9MM handgun, Deputy Wilkinson carries as his duty weapon. The weapon was loaded with 8 live duty rounds in the magazine, and 1 in the chamber. He normally carries 13 in the magazine and 1 in the chamber, meaning he fired 5 rounds. I later*

gave the weapon to Firearms Examiner, Deputy Ed Anderson of the Sheriff's Crime Lab for testing.

Deputy Wilkinson said he responded from Century station's area to Temple with the other members of his team to assist in the search for a stabbing suspect. When he arrived, he contacted the handling deputy at the [redacted] end of the driveway where the block wall was located. He was told the suspect, a male Black wearing boxer shorts, had stabbed and seriously injured his [redacted] with a short sword. He along with other deputies looked over the wall and saw the foot print belonging to the suspect in the sand.

He entered the home where the assault took place and secured an item of clothing belonging to the suspect in the event it became necessary for a scent search by his bloodhound.

After conferring briefly at the scene, it was decided that the K-9 personnel would meet on Burton Avenue and search the lot where the suspect was last seen.

He drove to Burton Avenue and parked in front of the location. As he suited up, they planned on how to conduct the search. It was decided they would search front to back, clear each of the three house under construction, and end up at the wall near the foot print. He was wearing departmentally issued olive drab cargo pants, web gear, and a Sheriff's tactical vest worn by Special Enforcement Deputies.

The fence surrounding the construction site was locked and Sergeant Lindblom cut it with bolt cutters. They approached the front doors to the house but found them locked with a bike lock. They went in through the open garage and staged at the door leading inside. Deputy Missel made a verbal K-9 announcement and then sent his dog in off leash. The deputies entered behind the dog and cleared behind him.

They cleared the bottom floor without incident and started going up the staircase. Deputy Missel had to leash his dog because the bannister wasn't complete and they didn't want to risk having him jump from the 2nd floor.

They climbed the stairs and massed on the landing. Deputy Wilkinson noted that the bedroom door on the left was open and the door to the right was closed and had no door knob. He knew from countless searches that the closed door concealed a bathroom. Beyond that door was an open door to another bedroom and a hallway, at the end of which was the master bedroom.

Deputy Wilkinson covered the hallway from just forward of the bedroom door where Deputy Missel and his dog were clearing. The other deputies were

behind him and Deputy Phillippi was on the staircase, covering the closed door. Deputy Wilkinson told us that the left side of his back was against the wall so that his body was 'bladed' (which presented less of a target from the opposite end of the hallway). His handgun was in his right hand and his flashlight was in his left. As the room behind him was being cleared, he touched the closed door in front of him and gently pushed it open about 6".

When he did this, the suspect 'screamed like a wild animal.' Deputy Wilkinson's first thought was that the dog had caught the suspect in the bedroom behind him because he didn't realize the suspect was screaming from the bathroom just in front of him. He backed up as the screams continued and the bathroom door came open.

The suspect burst into the hallway holding what Deputy Wilkinson thought was a sword over his head and was charging right at Deputy Phillippi. Phillippi was about 3 stairs below the level of the 2nd floor and about 6-7 feet to the right of Wilkinson. The suspect was still screaming, and covered the distance from the bathroom to the railing in less than a second, passing right in front of Deputy Wilkinson on his way to hit Phillippi with the sword. In an effort to save Deputy Phillippi from being struck by the suspect's sword, Deputy Wilkinson began firing at the suspect, two rounds at a time. He believes his first round may have missed. He saw muzzle flashes coming from his right and knew Jason was firing. When the suspect went down, Deputy Wilkinson covered him. He heard Jason say he thought he had been hit and was surprised to see him at the bottom of the stairs.

Deputy Wilkinson said the suspect landed on the bar when he fell. Deputy Wilkinson stayed there until fire arrived and pronounced the suspect. He said the suspect never said anything. This concluded the interview with Deputy Wilkinson."

On March 15, 2010, at about 1453 hours, Deputy Wilkinson was interviewed as an Involved Employee by IAB Sergeant Owen Tong. Deputy Wilkinson declined representation during the interview. The interview was digitally recorded and summarized as follows:

Deputy Wilkinson basically reiterated what he had told Homicide detectives.

Deputy Wilkinson explained that the roles of each deputy are interchangeable during a search and everyone knows what they are supposed to do irregardless of how they are lined up. While Deputy Missel and his dog were searching the bedroom, he positioned himself between the bedroom and the closed bathroom door -- with his back against the wall -- to provide cover fire down the long hallway.

When Deputy Wilkinson nudged the bathroom door slightly open, he heard a loud scream. Assuming that Deputy Missel's dog had bit the suspect in the bedroom behind him, Deputy Wilkinson began stepping backwards towards the bedroom, but then he bumped into Deputy Gaunt. Suddenly the closed bathroom door in front of him swung open and the suspect came charging out at Deputy Phillippi with both hands raised over his head, holding what appeared to be a sword. At the time, Deputy Phillippi was standing about 3 steps down on the stairwell, just below the second-floor hallway handrail.

Fearing that the suspect was going to strike or lop off Deputy Phillippi's head, Deputy Wilkinson fired one round at the suspect and missed, striking the stairway drywall above the suspect's head. Deputy Wilkinson then fired a two-round burst, and could see the bullets striking the suspect both times on the right side of the body. The impact caused the suspect to hunch forward slightly, which Deputy Wilkinson felt may have slowed the suspect's downward stroke slightly. He fired another 2-round burst at the suspect, but he did not know if these bullets struck the suspect or not. Deputy Wilkinson could see the muzzle fire from Deputy Phillippi's weapon, but he did not see the metal stake make contact with Deputy Phillippi's left arm.

Deputy Wilkinson said the other rooms down the hallway behind the suspect were open and clear, and there was no one in his line of fire. When the suspect first came charging out, Deputy Wilkinson was holding his flashlight in his left hand and his weapon in his right hand. He turned on his flashlight when he fired on Suspect Stephenson. He added that the suspect was so focused on Deputy Phillippi that the suspect did not even know he (Deputy Wilkinson) was standing off to his (the suspect's) right side.

After the suspect was shot, the suspect turned slightly towards Deputy Wilkinson and dropped down on one knee. Using the metal stake as support, the suspect tried to push himself back up on his feet, but instead, he fell backwards and landed partially on top of the metal stake. Deputy Gaunt later pulled the stake from under the suspect to keep it out of his reach.

After the shooting, the Command Post was notified, and they in turn notified LA County Fire paramedics to respond , but the suspect passed away at the scene.